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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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STANLEY MARKS,

Plaintiff,

v.

SAMUEL ACOSTA, *et al.*,

Defendants.

Case No. 3:19-cv-00126-MMD-CBC

ORDER

**I. DISCUSSION**

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter

1 of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file  
2 an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for  
3 this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must  
4 file a fully complete application to proceed *in forma pauperis*, including both an inmate  
5 account statement for the past six months and a properly executed financial certificate.

6 In addition, the Complaint received by the Court (ECF No. 1-1) is missing page five  
7 of the form. It therefore is not clear to the Court whether Plaintiff has submitted a complete  
8 complaint. Plaintiff is informed that, if he does not file a motion to amend the complaint  
9 along with an amended complaint within 30 days of this order, the Court will consider the  
10 original complaint (ECF No. 1-1) received by this Court to be the complete and operative  
11 complaint.

## 12 II. CONCLUSION

13 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL  
14 SEND Plaintiff the approved form application to proceed in forma pauperis by a prisoner,  
15 as well as the document entitled information and instructions for filing an in forma pauperis  
16 application.

17 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
18 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on  
19 the correct form with complete financial attachments in compliance with 28 U.S.C. §  
20 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing  
21 fee and the \$50 administrative fee).

1 IT IS FURTHER ORDERED that if Plaintiff does not timely file a complete  
2 application to proceed *in forma pauperis*, including the required financial documents,  
3 dismissal of this action may result.

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a motion to amend the  
5 complaint along with an amended complaint within 30 days of the date of this order, the  
6 Court will consider the original complaint (ECF No. 1-1) received by this Court to be the  
7 complete and operative complaint.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the Complaint  
9 (ECF No. 1-1), but shall not file it at this time.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff a copy  
11 of the Complaint (ECF No. 1-1).

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13 DATED THIS 5<sup>th</sup> day of March 2019.

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16 UNITED STATES MAGISTRATE JUDGE  
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